

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

M&M STONE CO.,)
Plaintiff) Civil Action
vs.) No. 07-cv-4784
ROGER J. HORNBERGER,)
Individually and in His)
Official Capacity;)
J. SCOTT ROBERTS,)
Individually and in His)
Official Capacity;)
MICHAEL D. HILL,)
Individually and in His)
Official Capacity;)
KEITH A. LASLOW,)
Individually and in His)
Official Capacity;)
MARTIN SOKOLOW,)
Individually and in His)
Official Capacity;)
TELFORD BOROUGH AUTHORITY;)
MARK D. FOURNIER;)
SPOTTS STEVENS & MCCOY, INC.;)
RICHARD M. SCHLOESSER;)
DELAWARE RIVER BASIN COMMISSION; and)
WILLIAM J. MUSZYNSKI,)
Defendants)

O R D E R

NOW, this 30th day of September, 2009, upon
consideration of the following documents:

- (1) DEP Defendants' Motion to Dismiss the Amended
Complaint, which motion was filed November 4, 2008;
together with:

Plaintiff's Response to the DEP Defendants'
Motion to Dismiss the Amended Complaint,
which response was filed November 21, 2008;
and

Reply Memorandum of Law in Support of DEP Defendants' Motion to Dismiss the Amended Complaint, which reply memorandum was filed September 11, 2009;

- (2) Defendant Telford Borough Authority and Defendant Mark Fournier's Motion to Dismiss Plaintiff's Amended Complaint, which motion was filed November 6, 2008; together with:

Plaintiff's Response to the TBA Defendants' Motion to Dismiss the Amended Complaint, which response was filed November 24, 2008; and

Memorandum of Law in Support of TBA Defendants' Reply to Plaintiff's Response to TBA's Motion to Dismiss the Amended Complaint, which reply memorandum was filed September 11, 2009;

- (3) Motion of Spotts Stevens & McCoy, Inc. and Richard Schloesser to Dismiss Plaintiff's Amended Complaint, which motion was filed October 31, 2008; together with:

Plaintiff's Response to the SS&M Defendants' Motion to Dismiss the Amended Complaint, which response was filed November 17, 2008;

- (4) Defendants Delaware River Basin Commission and William J. Muszynski's Motion to Dismiss Plaintiff's Amended Complaint, which motion was filed November 6, 2008; together with:

Plaintiff's Response to the DRBC Defendants' Motion to Dismiss the Amended Complaint, which response was filed November 24, 2008;

and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that defendants' within motions to dismiss plaintiff's Amended Complaint are each granted.

IT IS FURTHER ORDERED that all defendants are dismissed as parties to this action.

IT IS FURTHER ORDERED that plaintiff's Amended Complaint filed October 20, 2008 is dismissed.

IT IS FURTHER ORDERED that the Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge